

**MEMO ENDORSED**

**MOSKOWITZ & BOOK, LLP**

ATTORNEYS AT LAW

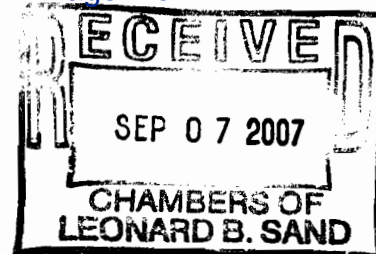
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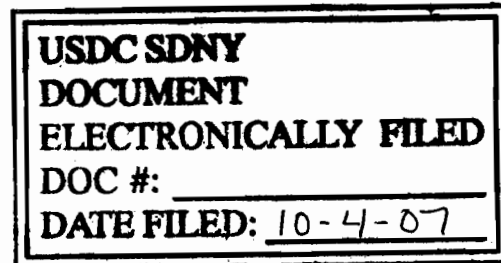
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September 6, 2007

**BY HAND DELIVERY**

Hon. Leonard B. Sand  
United States District Judge  
United States District Court  
500 Pearl Street, Room 2260  
New York, New York 10007



Re: United States v. Alton Davis, et al.  
SI 06 Cr. 911 (LBS)

Dear Judge Sand:

On August 27, 2007, I was appointed by Magistrate Judge Francis to represent the defendant Ronald Knibbs in the above-captioned case.

As Your Honor knows, Mr. Knibbs has been charged with murder, a charge that makes him eligible to receive the death penalty, if convicted. 18 U.S.C. § 3005 requires that the Court promptly appoint two counsel in all potential capital cases, at least one of whom shall be learned in the law applicable to capital cases. By this letter, I hereby respectfully request that the Court appoint co-counsel to assist me in representing Mr. Knibbs. Prompt appointment of a second counsel is of great importance so that counsel can make the best possible presentation to the Government in an attempt to convince the Government not to seek the death penalty. I have spoken to Jean Barrett, Esq., an experienced death penalty lawyer who served as my learned counsel in a death penalty trial before Judge Rakoff and who worked with me in convincing the Government not to seek the death penalty against Mark Brown, who was charged with murder in a case that was tried before Judge Castel last year. Ms. Barrett has told me that she is available to work with me on this case if the Court agrees to appoint her. A copy of Ms. Barrett's resume is attached hereto for the Court's convenience.

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As Your Honor also knows, representing a defendant who has been charged with a capital offense presents unique challenges to counsel. In recognition of that fact, it is the prevailing practice in federal capital prosecutions, both in this district and throughout the country, for court-appointed counsel to be compensated at the "death penalty" hourly rate of \$166 per hour, as permitted under 21 U.S.C. § 848(q)(10)(A). In fact, in the numerous other potential death penalty cases in which I have been involved, both in this district and in the Eastern District of New York, the courts authorized payment at the higher rate from the beginning of the case, even though the Government had not yet declared whether it intended to seek the death penalty. Payment of the higher rate in capital cases is justified because of the extremely complex nature of such cases, the expected length of the trials and the hardships such cases impose on counsel.

In light of the above, I respectfully request that Ms. Barrett be appointed to serve as "learned counsel" for Mr. Knibbs and that the Court authorize both Ms. Barrett and me to be paid at the rate of \$166 per hour for work on this case. It is also respectfully requested that Your Honor authorize the submission of interim vouchers on a periodic basis. If Your Honor is willing to appoint Ms. Barrett as learned counsel for Mr. Knibbs and to authorize counsel to be paid at the enhanced rate applicable to potential death penalty cases, please return an endorsed copy of this letter to me in the enclosed self-addressed stamped envelope as soon as possible.

Thank you in advance for your consideration of these matters.

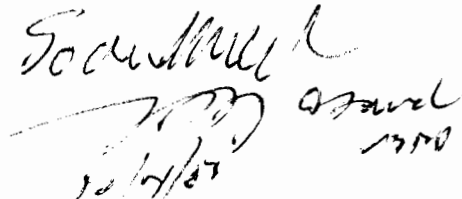
Respectfully submitted,

  
Avraham C. Moskowitz

ACM:bgb  
Enclosure

cc: Jean Barrett, Esq.

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10/17/07